

# United States Court of Appeals For the First Circuit

No. 18-1903

IN RE: JAROSLAV HORNOF; DAMIR KORDIC; LUKAS ZAK,

Petitioners.

Before

Torruella, Lynch and Thompson,  
Circuit Judges.

## JUDGMENT

Entered: October 16, 2018

We have carefully reviewed the record and the petitioners' submissions in this case filed under the Crime Victims' Rights Act ("CVRA"), 18 U.S.C. § 3771. We agree with the district court's conclusion that these petitioners are not "crime victims" as that term is defined in 18 U.S.C. § 3771(e)(2)(A). The harms they suffered in the wake of this criminal investigation, however significant, were not "directly and proximately" caused by the criminal defendants' alleged criminal acts. See In re McNulty, 597 F.3d 344 (6th Cir. 2010) (harms suffered by whistleblower employee were not directly and proximately caused by corporate employer's crimes and therefore did not render him a "crime victim" as defined in 18 U.S.C. § 3771(e)(2)(A)); cf. United States v. CITGO Petroleum Corp., 893 F. Supp. 2d 848, 852-54 (S.D. Tex. 2012) (individuals who suffered physical ailments as result of corporate defendant's environmental crimes were "crime victims" under CVRA).

To the extent that this petition seeks relief in the form an order that the district court provide them with an opportunity to be heard with respect to any future plea agreement and their ability to recover a monetary award pursuant to 33 U.S.C. § 1908(a), the request is denied. There is no statutory authority in 33 U.S.C. § 1908(a) or elsewhere that provides them with a right to be so heard.

The petition for writ of mandamus is denied. Nothing herein shall preclude the district court from hearing from petitioners if it chooses to do so.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Nancy Torresen

Christa Berry, Clerk, United States District Court for the District of Maine

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